

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)
Hon. Jesse M. Furman

**NOTICE OF MOTION TO
WITHDRAW AS COUNSEL**

PLEASE TAKE NOTICE that, pursuant to Local Rule 1.4, defense counsel Kate Bailey respectfully requests that the Court order her withdrawal as counsel of record and cease sending docketing notifications via the ECF system. A motion to withdraw under Rule 1.4 turns on the reasons for counsel's withdrawal and the potential impact of that action on the timing of the proceeding. *See, e.g., Winkfield v. Kirschenbaum & Phillips, P.C.*, No. 12-CV-7424 (JMF), 2013 WL 371673, at *1 (S.D.N.Y. Jan. 29, 2013). Ms. Bailey seeks to withdraw because she is leaving the Civil Division effective October 28, 2019, and will no longer have responsibility for these cases. Because Ms. Bailey's new position does not involve defensive civil litigation on behalf of the U.S. government, it is appropriate for her to withdraw from this case. Furthermore, this case has been fully resolved with the exception of NYIC Plaintiffs' Motion for Sanctions, *see* ECF No. 635, which is now fully briefed. Ms. Bailey's withdrawal will thus have no impact on the prosecution of this suit. *See Whiting v. Lacara*, 187 F.3d 317, 320-21 (2d Cir. 1999) (per curiam).

Ms. Bailey is mindful of this Court's order of July 9, 2019, and, as set forth in Exhibit A, will remain subject to the Court's jurisdiction for any reason related to these cases and available in the event her attendance is required at any future hearings as required by this Court. Ms. Bailey is not retaining or charging a lien.

Respectfully submitted,

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Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

CARLOTTA P. WELLS
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/s/ Kate Bailey
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UNITED STATES DISTRICT COURT
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STATE OF NEW YORK, et al,)
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DECLARATION

I, Kate Bailey, make the following Declaration pursuant to 28 U.S.C. § 1746, and state that under the penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. As of October 28, 2019, I will be leaving the Federal Programs Branch of the Department of Justice's Civil Division. All of my case responsibilities have been, or are being, transferred to other attorneys within the Branch.
2. In my new position, I will no longer be responsible for defensive civil litigation on behalf of the United States.
3. I am aware that this Court on July 9, 2019, denied the government's request to substitute all counsel of record in this case.
4. Pursuant to the Court's order, I attest that I will (1) submit to the jurisdiction of the Court with respect to any pending or future motion for sanctions, or any other matter related to this case, and (2) appear for any future hearings or proceedings as required by the Court.
5. Given the posture of this case and the fact that the remainder of the trial team remain counsel of record, my withdrawal will not impact the case.

Dated: October 10, 2019

Kate Bailey
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